

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF PENNSYLVANIA**

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IN RE: NATIONAL FOOTBALL  
LEAGUE PLAYERS' CONCUSSION  
INJURY LITIGATION

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: No. 12-md-2323-AB  
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: MDL No. 2323  
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THIS DOCUMENT RELATES TO  
ALL ACTIONS

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**RIDDELL DEFENDANTS' MOTION TO DISMISS**  
**BASED ON LMRA § 301 PREEMPTION**

Defendants Riddell, Inc.; All American Sports Corporation; Riddell Sports Group, Inc.; Easton-Bell Sports, Inc.; Easton-Bell Sports, LLC; EB Sports Corp.; and RBG Holdings Corp. (collectively, the "Riddell Defendants")<sup>1</sup> move this Court to dismiss Plaintiffs' claims pursuant to Federal Rule of Civil Procedure 12(b)(6), on the basis of preemption under § 301 of the Labor Management Relations Act, 29 U.S.C. § 185(a), and on the following grounds:

1. As against both the NFL and Riddell Defendants, Plaintiffs' claims require interpretation of, and are inextricably intertwined with, various Collective Bargaining Agreements ("CBAs").

2. As the Supreme Court and numerous other courts have concluded, claims that involve interpretation of and are inextricably intertwined with CBAs—like those here against the Riddell Defendants—are completely preempted and must be dismissed.

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<sup>1</sup> Reference to the "Riddell Defendants" is for convenience only, with no implication or concession that they are properly joined or named as Defendants. The "Riddell Defendants" reserve the right to move to dismiss some or all of them.

For these reasons, as set forth in more detail in the Riddell Defendants' accompanying brief, the Riddell Defendants respectfully request that this Court grant this motion and dismiss, with prejudice, Plaintiffs' claims against the Riddell Defendants.

The Riddell Defendants request oral argument on this Motion.

Respectfully Submitted,

/s/ Paul G. Cereghini

Paul G. Cereghini

Thomas C. Howard

BOWMAN AND BROOKE LLP

2901 N. Central Avenue

Suite 1600

Phoenix, AZ 85012

Telephone: (602) 643-2300

Fax: (602)248-0947

[paul.cereghini@bowmanandbrooke.com](mailto:paul.cereghini@bowmanandbrooke.com)

[thomas.howard@bowmanandbrooke.com](mailto:thomas.howard@bowmanandbrooke.com)

Robert L. Wise

Eden M. Darrell

BOWMAN AND BROOKE LLP

1111 E. Main Street, Suite 2100

Richmond, VA 23219

Telephone: (804) 649-8200

Fax: (804) 649-1762

[rob.wise@bowmanandbrooke.com](mailto:rob.wise@bowmanandbrooke.com)

[eden.darrell@bowmanandbrooke.com](mailto:eden.darrell@bowmanandbrooke.com)

Thomas P. Wagner  
Mary C. Doherty  
MARSHALL DENNEHEY WARNER  
COLEMAN & GOGGIN  
2000 Market St.  
Suite 2300  
Philadelphia, PA 19103  
[tpwagner@mdwcg.com](mailto:tpwagner@mdwcg.com)  
[mcdoherty@mdwcg.com](mailto:mcdoherty@mdwcg.com)

Attorneys for Defendants RIDDELL, INC.;  
ALL AMERICAN SPORTS CORPORATION;  
RIDDELL SPORTS GROUP, INC.;  
EASTON-BELL SPORTS, INC.; EASTON-  
BELL SPORTS, LLC, EB SPORTS CORP.;  
and RBG HOLDINGS CORP.

CERTIFICATE OF SERVICE

The undersigned certifies that on August 30, 2012, the foregoing Riddell Defendants' Motion to Dismiss Based on LMRA § 301 Preemption and the brief in support thereof were electronically filed and served via ECF on all counsel of record registered to receive service via the Court's CM/ECF system.

/s/ Paul G. Cereghini\_\_\_\_\_